REMARKS

1.   Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding.

Applicant has amended Claims 1, 18, 19, 40, 57, 58, 79, 96, and 97 to correct typographical errors. It should be noted that Applicant has elected to amend said Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making this amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled and does not concede, in any way, that the subject matter of such Claims was in fact taught or disclosed by the cited prior art. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

2.   35 U.S.C. §103(a). The Examiner has rejected Claims 1-117 under 35 U.S.C. §103(a) as being unpatentable over Chapuis et al. (6,023,267) in view of Schein et al. (6,323,911) and Proehl et al. (6,133,962).

Applicant respectfully disagrees.

Claim 1:

Claim 1 has been amended to correct typographical errors and appears as follows:

1.   A process for presenting interactive program guide information to a user, comprising the steps of:
        providing a program guide area;

wherein said program guide area is semi-transparent and overlays a broadcast program that the user is currently watching, allowing the user to see the progress of the broadcast program;

receiving user command input;

displaying a first column in said program guide area;

said first column displays available program channels in a rotating endless channel list;

wherein the user scrolls or pages up or down said channel list;

displaying a second column in said program guide area;

said second column displays a program list for a specific channel; and

wherein the user scrolls or pages up or down said program list.

The Office Action states that:

"... it would have been obvious to one of ordinary skill in the art at the time of the invention to include the process as taught by Proehl to the invention of Chapuis and also to display a program channel list and a program list for a specific channel as taught by Schein in the first column and the second column respectively in the invention of Chapuis. With the modifications to Chapuis's invention, it would allow a user to view currently broadcasting program while navigating through the program guide, and present a convenient way to display a program list for a specific channel to a user."

Applicant respectfully disagrees with the Office Action's conclusion. There is no motivation to combine the references as suggested by the Office Action. Chapuis teaches away from combining the references as the Office Action concludes. Chapuis' invention is specifically aimed at solving a specific problem. One of the key points that Chapuis' invention addresses is the legibility of information on the television screen. Chapuis specifically states in col. 1, lines 26-36 (emphasis added):

"Thus, the constraints within the context of television are rather particular: the user is relatively far from the screen, **thus implying diminished legibility of**

the information on the screen, and generally has available only a relatively simple browsing tool such as a remote control which is less flexible than a mouse within the framework of a graphical-area application.

The purpose of the invention is to propose a process for selecting programmes and a device for implementation having innovative characteristics **which take into account in particular the constraints mentioned above**."

Chapuis needs to have his information legible. The Office Action's assumption that "With the modifications to Chapuis's invention, it would allow a user to view currently broadcasting program while navigating through the program guide, and present a convenient way to display a program list for a specific channel to a user." is incorrect. As demonstrated by Proehl's figs. 1, 2, and 3, the legibility of information on the screen is decreased with a semi-transparent overlay. Chapuis' opaque background achieves his stated constraints. There is no motivation in Chapuis to combine Proehl as the Office Action concludes. Chapuis therefore teaches away from such a combination.

To combine the references as the Office Action concludes would require information gleaned from the present invention. Such use of hindsight is impermissible.

Additionally, Schein teaches away from combining the references as concluded by the Office Action. Schein specifically teaches that it is beneficial to Schein's invention that the current program is displayed separately in a sub-window (128) so that other program views or promotionals can be displayed in a second sub-window (126) both sub-windows are unobscured to convey, to the user, the information shown in the sub-windows (126, 128). (Fig. 4B, col. 9, lines 38-59)

Further, there is no showing in the Office Action's conclusion that "... it would have been obvious to one of ordinary skill in the art at the time of the invention ... and also to display a program channel list and a program list for a specific channel as taught by Schein in the first column and the second column respectively in the invention of Chapuis. With the modifications to Chapuis's invention, it would allow a user to view

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currently broadcasting program while navigating through the program guide, and present a convenient way to display a program list for a specific channel to a user." can be concluded without information gleaned from the present invention.

Chapuis believes that his presentation of information is the most convenient method to display information to a user. The Office Action's conclusion contradicts Chapuis' invention by concluding that it would have been obvious to one of ordinary skill in the art at the time of the invention to throw away Chapuis' presentation concept and arrange the program guide information as specifically described in the present invention.

Additionally, Proehl contends that a grid presentation is best to present program information (Figs. 1, 2, and 3). Proehl further states in col. 2, lines 8-11:

> "It is further an object of the invention to quickly view available channel information in such a manner as to maximize the amount of information that is presented to the viewer at any given time."

Schein also contends that a grid presentation is the most convenient method to display program information to a user. Schein demonstrates that the grid presentation is preferred in Figs. 4A, 4B, 6A, 7A, 7B, 7C, 7D, 8A, and states in col. 8, line 56-col. 9, line 9:

> "Within each screen area are one or more items, typically arranged in a matrix or grid so that the viewer can scroll through the grid. The items can be selected or activated with the input device. Activation of an item will invoke a Submenu, a Dialog, a Panel, invoke an action or the like. In an exemplary configuration, device 2 is configured so that double clicking on cylinder 24 will invoke an item's associated menu or Submenu and automatically activate the default menu item. In addition, device 2 may include further shortcuts, such as mediated signals that are accomplished by simultaneously holding in clutch button 46 and cylinder 24.

As shown in FIG. 4A, program guide 102 preferably includes a schedule information area 106 having a program matrix 108 of cells or items that depict the shows that are being presented on each channel at each time during the day. Program guide 102 conveniently lists the channels in a vertical column to the left of the program matrix 108 and the times in a horizontal row above matrix 108. As shown, the viewer may vertically scroll through a particular time or horizontally scroll through a channel."

Schein specifically teaches away from a system that displays a first column in a program guide area, said first column displays available program channels in a rotating endless channel list, wherein a user scrolls or pages up or down said channel list, displays a second column in said program guide area, said second column displays a program list for a specific channel, and wherein the user scrolls or pages up or down said program list as claimed in the invention.

Therefore, with Chapuis, Proehl, and Schein each contending that their approach is the best method to convey program information to the user and both Proehl and Schein contending that a grid presentation is the most convenient method to convey program information, it is improbable that the Office Action's conclusion is realistic. Both Proehl and Schein teach away from the invention as claimed. It is clear that to reach the Office Action's conclusion, information gleaned from the present invention was used. Such use of hindsight is impermissible.

Therefore, Chapuis in view of Schein and Proehl do not teach or disclose all of the claim limitations of the invention. Claim 1 is in allowable condition.

Claims 40 and 79:

Claims 40 and 79 are in allowable condition in the same manner as Claim 1, as discussed above.

Claims 18, 57, and 96:

Claims 18, 57, and 96 are in allowable condition in the same manner as Claim 1, as discussed above.

Claims 1, 18, 40, 57, 79, and 96 are in allowable condition. Claims 2-17 and 19-39 and 41-56, and 58-78, and 80-95, and 97-117 are dependent upon Claims 1, 18, 40, 57, 79, and 96, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

Respectfully Submitted,

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Version with markings to show changes made

In The Claims

Please amend Claims 1, 18, 19, 40, 57, 58, 79, 96, and 97 as follows (Marked copy):

1.   (amended)   A process for presenting interactive program guide information to a user, comprising the steps of:

   providing a program guide area;

   wherein said program guide area is semi-transparent and overlays [the] a broadcast program that the user is currently watching, allowing the user to see the progress of the broadcast program;

   receiving user command input;

   displaying a first column in said program guide area;

   said first column displays [the] available program channels in a rotating endless channel list;

   wherein the user scrolls or pages up or down said channel list;

   displaying a second column in said program guide area;

   said second column displays [the] a program list for a specific channel; and

   wherein the user scrolls or pages up or down said program list.

18.   (amended)   A process for presenting interactive program guide information to a user, comprising the steps of:

   providing a program guide area;

   wherein said program guide area is semi-transparent and overlays [the] a broadcast program that the user is currently watching, allowing the user to see the progress of the broadcast program;

   receiving user command input;

   displaying a first column in said program guide area;

   said first column displays channel sorting methods available to the user;

   displaying a second column in said program guide area;

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said second column displays [the] available program channels in a rotating endless channel list; and

wherein the user scrolls or pages up or down said channel list.

19.   (amended)   The process of claim 18, further comprising the step of:

displaying a third column in said program guide area;

said third column displays [the] a program list for a specific channel; and

wherein the user scrolls or pages up or down said program list.

40.   (amended)   An apparatus for presenting interactive program guide information to a user, comprising:

a program guide area;

wherein said program guide area is semi-transparent and overlays [the] a broadcast program that the user is currently watching, allowing the user to see the progress of the broadcast program;

a module for receiving user command input;

a module for displaying a first column in said program guide area;

said first column displays [the] available program channels in a rotating endless channel list;

wherein the user scrolls or pages up or down said channel list;

a module for displaying a second column in said program guide area;

said second column displays [the] a program list for a specific channel; and

wherein the user scrolls or pages up or down said program list.

57.   (amended)   An apparatus for presenting interactive program guide information to a user, comprising:

a program guide area;

wherein said program guide area is semi-transparent and overlays [the] a broadcast program that the user is currently watching, allowing the user to see the progress of the broadcast program;

a module for receiving user command input;

a module for displaying a first column in said program guide area;

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said first column displays channel sorting methods available to the user;

a module for displaying a second column in said program guide area;

said second column displays [the] available program channels in a rotating endless channel list; and

wherein the user scrolls or pages up or down said channel list.

58.　(amended)　The apparatus of claim 57, further comprising:

a module for displaying a third column in said program guide area;

said third column displays [the] a program list for a specific channel; and

wherein the user scrolls or pages up or down said program list.

79.　(amended)　A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform method steps for presenting interactive program guide information to a user, comprising the steps of:

providing a program guide area;

wherein said program guide area is semi-transparent and overlays [the] a broadcast program that the user is currently watching, allowing the user to see the progress of the broadcast program;

receiving user command input;

displaying a first column in said program guide area;

said first column displays [the] available program channels in a rotating endless channel list;

wherein the user scrolls or pages up or down said channel list;

displaying a second column in said program guide area;

said second column displays [the] a program list for a specific channel; and

wherein the user scrolls or pages up or down said program list.

96.　(amended)　A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform method steps for presenting interactive program guide information to a user, comprising the steps of:

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providing a program guide area;

wherein said program guide area is semi-transparent and overlays [the] a broadcast program that the user is currently watching, allowing the user to see the progress of the broadcast program;

receiving user command input;

displaying a first column in said program guide area;

said first column displays channel sorting methods available to the user;

displaying a second column in said program guide area;

said second column displays [the] available program channels in a rotating endless channel list; and

wherein the user scrolls or pages up or down said channel list.

97.   (amended)   The method of claim 96, further comprising the step of:

displaying a third column in said program guide area;

said third column displays [the] a program list for a specific channel; and

wherein the user scrolls or pages up or down said program list.